

* The original of this document contains information which is subject to withholding from disclosure under 5 U.S.C. 552. Such material has been deleted from this copy and replaced with XXXXXX's.

April 16, 2008

DEPARTMENT OF ENERGY
OFFICE OF HEARINGS AND APPEALS

Hearing Officer's Decision

Name of Case: Personnel Security Hearing

Date of Filing: October 26, 2007

Case Number: TSO-0557

This Decision considers the eligibility of XXXXXXXX XXXXXXXX (hereinafter referred to as "the individual") to hold an access authorization under the regulations set forth at 10 C.F.R. Part 710, entitled "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." As explained below, it is my decision that the individual's access authorization should be restored.

I. BACKGROUND

The individual is an employee of a Department of Energy (DOE) contractor, and has held a DOE access authorization continuously from 1979 until it was suspended in connection with the current proceeding. In March 2007, the DOE conducted a Personnel Security Interview with the individual (the 2007 PSI) to address a November 2006 alcohol-related arrest and subsequent alcohol treatment. In addition, the individual was evaluated in May 2007 by a DOE-consultant psychologist (the DOE-consultant Psychologist), who issued a report containing her conclusions and observations. In the course of his May 2007 evaluation, the individual admitted that he used marijuana less than ten times while he was in college. See Case Evaluation Sheet at 1-4, DOE Exhibit 17.

In August 2007, the Manager for Personnel Security of the DOE area office where the individual is employed (the Manager) issued a Notification Letter to the individual. Enclosure 2 to this letter, which is entitled "Information Creating a Substantial Doubt Regarding Eligibility for Access Authorization," states that the individual's behavior has raised security concerns under Sections 710.8(f), (h) and (j) of the regulations governing eligibility for

access to classified material. Specifically, with respect to Criterion (f), the Enclosure states that the individual deliberately misrepresented, falsified, or omitted the following significant information from a June 2006 Questionnaire for National Security Positions (the 2006 QNSP), at his 2007 PSI, and in Personnel Security Questionnaires (PSQ's) completed in 1986 and 1987:

1. In his 2006 QNSP, he indicated that his use of alcohol had not resulted in any alcohol treatment or counseling in the last seven years. However, at his 2007 evaluation, he told the DOE-consultant Psychologist that he attended Alcoholics Anonymous (AA) meetings as well as a three-month program called Celebrate Recovery in 2005 and early 2006;

2. At his 2007 PSI, he stated that he had not been hospitalized, counseled, or consulted a professional about his use of alcohol other than the treatment discussed at a 2006 PSI. This statement omitted his attendance at AA meetings and Celebrate Recovery meetings in 2005 and early 2006; and

3. In his 1986 and 1987 PSQ's, he indicated that he was never a user of marijuana or other illegal drugs. However, in 2007, he reported to the DOE-consultant Psychologist that he used marijuana while in college.

With respect to Criteria (h) and (j), the DOE-consultant Psychologist diagnosed the individual as meeting the criteria for "Alcohol Dependence, in Early Partial Remission", as specified in the Diagnostic and Statistical Manual of Mental Disorders IV-TR (DSM-IV TR), and found that this condition causes, or may cause, a significant defect in the individual's judgment or reliability. The Enclosure also refers to two alcohol-related arrests - an arrest for driving under the influence (DUI) in 1986 and an arrest for public intoxication in November 2006 - and to an incident about fifteen years ago when, under the influence of alcohol, the individual grabbed his wife's wrist to the point where she had to bandage her wrist. The Enclosure further states that although the individual recognized his alcohol problem and began attending AA meetings and Celebrate Recovery meetings in 2005, he has relapsed on six occasions - twice in the summer of 2006, in November 2006, in December 2006, and twice in February 2007. It states that the first February 2007 relapse resulted in his being expelled from an outpatient alcohol treatment program. Enclosure 2 to August 2007 Notification Letter.

The individual requested a hearing (hereinafter "the hearing") to respond to the concerns raised in the Notification Letter. In his initial written response to those concerns, the individual asserted that he did not report his attendance at AA or Celebrate Recovery meetings on his 2006 QNSP or at his 2007 PSI because he did not believe that such attendance constituted alcohol-related treatment and counseling. He admitted that he should have reported his college use of marijuana on the 1986 and 1987 PSQ's, and indicated that he now regretted those omissions. He stated that he accepts the DOE-consultant Psychologist's diagnosis, and that he is actively following the rehabilitative measures indicated in her report. Individual's September 20, 2007 Response to DOE Concerns.

The hearing in this matter was convened in January 2008. At the hearing, the testimony focused on the individual's efforts to mitigate the concerns raised by his diagnosis of Alcohol Dependence, through abstinence from alcohol and recovery activities, and on the issue of his honesty in responding to DOE inquiries.

II. HEARING TESTIMONY

At the hearing, testimony was received from eleven persons. The DOE presented the testimony of the DOE-consultant Psychologist. The individual, who was represented by counsel, testified and presented the testimony of his psychologist, his employer's Staff Clinical Psychologist, a program director at the half-way house alcohol treatment facility, a volunteer at Celebrate Recovery, his AA sponsor, a volunteer at his aftercare treatment program, an employee of the aftercare treatment program, his supervisor, and his brother.

A. *The DOE-Consultant Psychologist*

The DOE-consultant Psychologist testified that, when she evaluated the individual in May 2007, she found him truthful and cooperative. TR at 13-14. She testified that the individual reported to her that he last used alcohol on February 23, 2007, and that he entered an alcohol treatment program on March 12, 2007. TR at 18. She stated that she recommended in her report that he needed to achieve a year of abstinence from March 12, 2007, combined with other activities in order to demonstrate rehabilitation from his alcohol dependence. TR at 18. She indicated that if the individual establishes that he has a "very credible commitment" to sobriety, then she could be persuaded that a date prior to March 12, 2008 "would work." TR at 19.

B. *The Individual*

With regard to the security concerns about falsification, the individual admitted that he indicated on 1986 and 1987 PSQ's that he had never used marijuana, when in fact he had used marijuana in the 1970's while he was in college. TR at 130. He testified that he cannot at this time recall why he answered "no" to drug use on these forms. He stated that he may have forgotten about the college marijuana use when he answered the questions, or he may have been concerned that he would be fired if he answered yes. TR at 130-131. 1/ He testified that he regretted making this mistake. TR at 131.

The individual testified that he did not report his attendance at AA and Celebrate Recovery meetings to the DOE on his QNSP because he was asked about alcohol counseling or treatment, and he did not consider these meetings to be counseling or treatment since there were no professionals involved. TR at 132-134. He stated that he was not attempting to hide his AA and Celebrate Recovery attendance from the DOE when he failed to report the attendance as alcohol counseling or treatment. TR at 134.

The individual stated that at his 2007 PSI, he discussed his 2006 outpatient treatment, seeing a therapist, and attending some AA meetings. He stated that he believed that he had fully discussed his alcohol treatment when he indicated that by answering "no" (2007 PSI Transcript at 73), because he did not consider attendance at Celebrate Recovery to constitute counseling or treatment. TR at 135.

The individual stated that in recent years, he has been completely open and honest with the DOE concerning his alcohol problems, and that he reported his outpatient alcohol treatment when he was reinvestigated for his security clearance in January 2007. TR at 137-138.

With respect to his alcohol treatment, the individual testified that he is personally committed to his rehabilitation program. He stated that, beginning in February 2007, he started to understand that he needed to change, and going to meetings and talking to people "has helped me to understand that I need to make those changes and helped me to make them." TR at 142. He stated that he has achieved some insight into his marital problems, but that his

1/ The individual testified that he was about thirty years old when he completed the 1986 and 1987 PSQ's.

focus is on staying sober and on defusing stress by opening up with other people. TR at 143, 145-150, 154-155. He testified that when he left the half-way house treatment facility, he bought a cell phone that he uses to stay in touch with his AA sponsor and other support group contacts. TR at 155.

The individual stated that he currently attends an AA meeting on Mondays which is followed by a brief meeting with his AA sponsor. On Tuesdays, he attends an aftercare program. He spends Wednesday evenings with his children. On Thursdays, he attends Celebrate Recovery. On Fridays, he attends an AA meeting unless he is with his children. He always attends an AA meeting on Saturdays and on Sundays. TR at 141-142. In addition to these activities, he has weekly meetings with his psychologist. TR at 143. The individual stated that in the future, he intends to continue his involvement in AA, aftercare, and Celebrate Recovery, but that he may reschedule or reduce the total number of weekly meetings so that he can begin to develop a social life. TR at 156. The individual stated that he has started divorce proceedings, and has had very little contact with wife since their separation in February 2007. TR at 164-171.

C. The Individual's Psychologist

The individual's psychologist testified that she initially saw the individual in family counseling sessions and has seen him for individual sessions since January 19, 2007. TR at 48-49. She stated that the individual and his wife had a toxic relationship, and that the individual has done remarkably well in recognizing this and in taking steps to end the marriage, while becoming more involved with raising his children. TR at 50, 52. She stated that she and the individual discuss his recovery efforts on a regular basis, and that he has become much more cogent concerning his alcohol problem in the last year. TR at 51. She testified that he understands that he is alcoholic, and that he has decreased his anxiety level and become more relaxed, spontaneous, and optimistic. TR at 53, 54. She testified that, although she believes that the individual has a favorable prognosis, she believes that he will benefit from additional therapy to integrate the insights he has made and to better understand the passive and impulsive aspects of his behavior. TR at 59-63. She stated that the individual needs a year of sobriety and recovery activities to achieve rehabilitation from his alcohol dependence. TR at 58.

Finally, she indicated that she believes that the individual has displayed honesty and reliability in their therapeutic relationship, and in his relationship with others. TR at 52.

D. The Staff Clinical Psychologist

The Staff Clinical Psychologist testified that he has known the individual since February 2007, when the individual contacted him on the recommendation of his employer. He stated that they initially met two to three times a week, and that this has evolved to once a month, as the individual's recovery progressed. The Staff Clinical Psychologist testified that he believes that the individual hit "rock bottom" when he relapsed on February 23, 2007, and then entered the residential treatment facility in early March 2007. TR at 174-175.

The Staff Clinical Psychologist stated that he has been very encouraged by the individual's recovery efforts, and believes that the individual regards these efforts as a life-long commitment. TR at 176. He stated that the individual has universally followed the guidance of his counselors. TR at 177. He testified that the individual is completely on track with his recovery efforts, but that he believes that a full year of sobriety and recovery are necessary to ensure a low risk of relapse. He stated that as of February 23, 2008, the individual will have achieved sustained full remission, and will be rehabilitated from his alcohol dependence. TR at 178-179.

The Staff Clinical Psychologist testified that he believes that the individual "has been open and honest with me from the get-go." TR at 175. He stated that the individual displays honesty in their sessions, and has freely reported potentially unfavorable information such as having a craving for alcohol. TR at 177. He stated that the individual was not being evasive when he did not mention AA or Celebrate Recovery in response to DOE questions about counseling and treatment.

. . . if I'm doing self help, I'm not in treatment. Whether I'm going to AA or reading a book or using some sort of online process is typically, not only for professionals but for the lay person, not considered treatment. So I'm very comfortable with that distinction. It's one of the twelve-step programs, which Celebrate [Recovery] is based on as well.

TR at 190.

E. The Half-way House Program Director

The half-way house Program Director testified that he is a recovering alcoholic who works at the facility that the individual

entered in early March 2007. TR at 23-24. The Program Director described the facility as a half-way house for men in recovery that provides a structured program for its residents. TR at 24-25. He stated that the individual successfully completed the program offered by the facility, and now lives in his own apartment. TR at 27, 40. However, the Program Director stated that the individual continues to keep in touch with him by telephone on a weekly basis. He indicated that, since October 2007, the individual has submitted to monthly, random breathalyzer tests at the half-way house, all of which have been negative. TR at 28-29.

The Program Director testified that the individual now is certain that he has an alcohol problem, and has become a good mentor to other men in the program. TR at 26. He stated that he believes that, based on his observations and experience with sobriety, the individual's prognosis is excellent if he stays in AA with a sponsor, and continues to work on his core issues. TR at 37-38.

F. The Volunteer from Celebrate Recovery

The volunteer from Celebrate Recovery testified that Celebrate Recovery is a Christ-centered, biblically-based program of recovery dealing with addictive issues and compulsive behavior. TR at 64-65. He stated that it is completely compatible with AA and that many participants are in both programs. TR at 69-70. He stated that up to four hundred individuals attend a general meeting, which is followed by small group meetings that offer sustaining support. TR at 65-66. He testified that since November 2006, he and the individual have attended a group meeting three Thursdays each month. The volunteer stated that he has seen the individual go from being withdrawn and introverted in these meetings to being outgoing and honest. He stated that the individual has discussed his marital situation and his attachment to alcohol with the group, and he has watched the individual come to accept accountability for his situation. TR at 66-68, 72-73.

G. The Individual's AA Sponsor

The individual's AA sponsor testified that he has known the individual for about one year through AA, and has been his sponsor for close to a year. TR at 76-77. He stated that he and the individual meet for 30 minutes after their Monday meeting, attend another meeting together, and speak on the telephone once a week. He testified that he believes that the individual's sobriety date is February 23, 2007. TR at 78-81. He stated that he would be surprised if the individual relapsed, because he is active in the

AA program, and working the steps. He stated that the individual currently is working on the 7th step. TR at 83-84.

H. The Volunteer and the Employee from the Individual's Outpatient Program Aftercare Meetings

The volunteer testified that he is an aftercare facilitator for the Outpatient Recovery Program that the individual attended. 2/ The volunteer testified that since about June 2007, the individual has attended a weekly aftercare session that focuses on reviewing the attendees' recovery activities during the previous week. He stated that the individual seems to be very conscientious in his recovery and has displayed no indicators of relapse. He testified that the individual is very forthcoming about discussing his personal issues on a weekly basis, and that he displays a positive outlook on his recovery. He stated that he believes that the individual now is much more calm and in tune with recovery than he was in June 2007. TR at 88-96.

The employee of the Outpatient Program also testified that the individual is doing well in the aftercare meetings. TR at 103-105.

I. The Individual's Supervisor and Friend

The individual's supervisor testified that he has known the individual for about twenty years and considers him a friend. He stated that they used to socialize outside the workplace when they played on softball and volleyball teams together, but that they have not socialized in recent years. He stated that the individual always has been truthful and honest in work situations and in social situations. He stated that the individual has never had alcohol problems in the workplace, and he is not aware of any alcohol use in recent months. He stated that he learned about the individual's alcohol problem through the security clearance process, and is only vaguely aware of the individual's participation in recovery activities. TR at 106-112.

J. The Individual's Brother

The individual's brother testified that during the period from November 2006 through February 2007, the individual revealed to him

2/ The individual did not complete this program. In February 2007, he relapsed and consumed alcohol while in this outpatient alcohol-treatment program, which resulted in his release from the program.

that he was having marriage problems and problems with alcohol. He stated that he believes that the individual has maintained his sobriety since February 23, 2007. He stated that since February 2007, he has seen the individual about once a week in the workplace, and that they get together socially every three to four weeks at the individual's brother's home, where they have dinner and watch sports. He testified that he believes that the individual is doing well in a difficult situation, and is happier now than he was a year ago. He stated that he has always known the individual to be truthful. TR at 114-123.

K. The DOE-consultant Psychologist's Additional Testimony

Following the testimony of the other witnesses, the DOE-consultant Psychologist stated that there is a clear consensus from the witness testimony that the individual is doing well, and is now in sustained partial remission from alcohol dependence. TR at 180-181. She testified that the individual has "vastly expanded" his support system, and that his treatment compliance is exemplary. TR at 182-184. She stated that the individual's ongoing work with his psychologist will assist him in properly coping with his impending divorce and family issues. TR at 184-185. She concluded that the individual's prognosis is good, and that he does not have a mental condition that could compromise his judgment or reliability. TR at 186. She stated that while she recognized the importance of a year of sobriety for diagnostic purposes, she believed that in this particular instance, a finding of rehabilitation after eleven months was warranted due to the individual's low risk of relapse. TR at 180. After discussing the individual's rehabilitation activities and overall progress, she concluded that the individual had demonstrated a high level of compliance in meeting her recommended treatment goals, that there is adequate evidence of rehabilitation and reformation, and that the individual's risk of relapse is low. TR at 181-187.

With regard to the falsification concerns, the DOE-consultant Psychologist testified that the individual's recovery efforts have made him more trustworthy to the DOE. She stated that when he revealed to his supervisors that he had been expelled from the outpatient program in February 2007, he was demonstrating his awareness that honesty is an essential component to his recovery program.

And because I think he has internalized that value, that he values his recovery and all of the tenets that are part of the twelve-step program, I believe that he will be more trustworthy within the Department of Energy.

TR at 188. She also opined that with respect to AA,

It wouldn't even come to his mind that that would be considered treatment [for alcoholism] because it does not consider itself treatment. . . . I don't know enough about Celebrate Recovery to know whether it considers itself treatment per se. . . . But I believe in his mind AA was not treatment.

TR at 189. She testified that the individual revealed his college age use of marijuana to her during his June 2007 evaluation while she was collecting an exhaustive history of his substance abuse. She stated that his honesty in revealing this information "was automatic." TR at 191.

III. APPLICABLE STANDARDS

A DOE administrative review proceeding under this Part is not a criminal case, in which the burden is on the government to prove the defendant guilty beyond a reasonable doubt. In this type of case, we apply a different standard, which is designed to protect national security interests. A hearing is "for the purpose of affording the individual an opportunity of supporting his eligibility for access authorization." 10 C.F.R. § 710.21(b)(6). The burden is on the individual to come forward at the hearing with evidence to convince the DOE that granting or restoring his access authorization "would not endanger the common defense and security and would be clearly consistent with the national interest." 10 C.F.R. § 710.27(d).

This standard implies that there is a presumption against granting or restoring of a security clearance. See *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) (the "clearly consistent with the interests of national security test" for the granting of security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991) (strong presumption against the issuance of a security clearance). Consequently, it is necessary and appropriate to place the burden of persuasion on the individual in cases involving national security issues. *Personnel Security Hearing (Case No. VSO-0002)*, 24 DOE ¶ 82,752 at 85,511 (1995).

Once a security concern has been found to exist, the individual has the burden of going forward with evidence to rebut, refute, explain, extenuate or mitigate the allegations. *Personnel Security*

Hearing (Case No. VSO-0005), 24 DOE ¶ 82,753 (1995), aff'd, 25 DOE ¶ 83,013 (1995). See also 10 C.F.R. § 710.7(c).

IV. ANALYSIS

A. Criteria (h) and (j)

In his testimony at the hearing, the individual presented evidence indicating that he now acknowledges that he is alcohol dependent, that he has maintained sobriety since February 23, 2007, and that he has completed or is engaged in a full schedule of recovery activities. These activities included a successful two month residential program in a half-way house treatment program, weekly individual psychotherapy, monthly counseling with the Staff Clinical Psychologist, and frequent attendance at aftercare meetings, AA meetings, and Celebrate Recovery meetings. He also testified that he is committed to abstaining from alcohol in the future.

I find that the testimony and evidence presented at the hearing provides sufficient corroborative support for the individual's assertion that he has been abstinent from alcohol since February 23, 2007. The individual testified that he had been attending an outpatient alcohol treatment program when he relapsed on February 23, 2007, and was expelled from the program. The Staff Clinical Psychologist testified that the individual immediately reported this relapse to his supervisors and was referred to him for counseling. The individual's AA sponsor testified that at this time, the individual began attending AA meetings on a regular basis. The individual entered the half-way house treatment program in early March 2007, and since then has been actively engaged in his various recovery activities. Beginning in October 2007, the individual has subjected himself to random breathalyzer tests, all of which have been negative for alcohol. Finally, the individual's brother testified that the individual has discussed his alcohol problem with him and, to his knowledge, has not consumed alcohol since February 23, 2007. Based on the individual's successful participation in his recovery activities, his random drug testing, and the opinions expressed by his AA sponsor, the half-way house counselor, his brother, his psychologist, and his Staff Clinical Psychologist, I find that the individual has been abstinent from alcohol since February 23, 2007. Therefore, I believe that as of the date of the hearing, the individual had been abstinent for eleven months.

In the administrative review process, it is the Hearing Officer who has the responsibility for deciding whether an individual with

alcohol problems has established rehabilitation or reformation. See 10 C.F.R. § 710.27. The DOE does not have a set policy on what constitutes rehabilitation and reformation from alcohol diagnoses, but instead makes a case-by-case determination based on the available evidence. Hearing Officers properly give a great deal of deference to the expert opinions of psychologists and other mental health professionals regarding the likelihood of relapse. See, e.g., *Personnel Security Hearing (Case No. VSO-0027)*, 25 DOE ¶ 82,764 (1995) (finding of rehabilitation); *Personnel Security Hearing (Case No. VSO-0015)*, 25 DOE ¶ 82,760 (1995) (finding of no established rehabilitation). At the hearing, the DOE-consultant Psychologist concluded that the individual has made excellent progress in his recovery, that he now can be considered rehabilitated from alcohol dependence, and that his risk of relapse is low. The individual's psychologist and his Staff Clinical Psychologist both stated that the individual was making excellent progress and that they would consider him rehabilitated after he had maintained a full year of sobriety on February 23, 2008. They both stated that a full year of sobriety is the generally accepted standard for demonstrating rehabilitation from problems with alcohol.

There is considerable merit in the position of the Staff Clinical Psychologist and the individual's psychologist. In general, medical professionals believe that remaining sober for a full year is a significant watershed in the process of reaching rehabilitation and reformation, and a good indicator of commitment to sobriety. See *Personnel Security Hearing (VSA-0298)*, 28 DOE ¶ 83,002 (2000), and cases cited therein at 86,506.

However, in this instance, I agree with the conclusion of DOE-consultant Psychologist that eleven months of sobriety are sufficient. My positive assessment of the individual's demeanor and of the evidence presented at the hearing convince me that the individual is highly committed to his ongoing sobriety, and that he has developed the personal skills and support network necessary to maintain his sobriety and to avoid the relapses that occurred during his earlier recovery efforts in 2006 and early 2007. I find that he is actively engaged in frequent AA meetings, in working with his AA sponsor, in his individual psychotherapy, and in aftercare and Celebrate Recovery meetings. In light of this evidence, I accept the DOE-consultant Psychologist's conclusion that, in this instance, eleven months of sobriety are sufficient for the individual to demonstrate that he is at low risk for

relapsing into alcohol use. ^{3/} I therefore conclude that the individual has established rehabilitation and reformation from his alcohol dependence after eleven months of sobriety. See *Personnel Security Hearing (Case No. VSO-0389)*, 28 DOE ¶ 82,777 at 85,620 (2000) (individual with a demonstrated commitment to sobriety found to have established rehabilitation and reformation from alcohol dependence with 10.5 months of sobriety at the time of the hearing).

B. *Criterion (f)*

False statements by an individual in the course of an official inquiry regarding a determination of eligibility for DOE access authorization raise serious issues of honesty, reliability, and trustworthiness. The DOE security program is based on trust, and when a security clearance holder breaches that trust, it is difficult to determine to what extent the individual can be trusted again in the future. See e.g. *Personnel Security Hearing (Case No. VSO-0281)*, 27 DOE ¶ 82,821 at 85,915 (1999), *aff'd*, 27 DOE ¶ 83,030 (2000) (terminated by Office of Security Affairs, 2000).

However, based on the evidence in this proceeding, I conclude that the individual did not make false statements in 2006 and 2007 when he failed to report his attendance at AA meetings and Celebrate Recovery meetings on his 2006 QNSP and at his March 2007 PSI. The 2006 QNSP asked the individual to report any alcohol-related treatment or counseling in the last seven years. At the hearing, both the DOE-consultant Psychologist and the Staff Clinical Psychologist testified that it was reasonable and accurate for the individual to interpret that inquiry to exclude AA attendance, because AA is a self help program that is not considered alcohol treatment or counseling either by AA participants or by medical professionals. Similarly, I agree with the Staff Clinical Psychologist's conclusion that the testimony at the hearing

^{3/} In this regard, I note that medical professionals often require a full year of abstinence to establish rehabilitation, because a one year abstinence period allows an individual to go through a sufficient number of ups and downs that normally occur within a year to test whether he can withstand normal stresses without turning to alcohol. See *Personnel Security Hearing (Case No. TSO-0150)*, 29 DOE ¶ 82,800 at 85,756 (2005). In the present case, with eleven months of sobriety beginning on February 23, 2007, the individual already has dealt with the seasonal activities and stressors that can trigger relapses.

established that Celebrate Recovery is a self help program similar to AA, but with a more specific, faith-based, component.

At the 2007 PSI, the individual told the DOE interviewer that he was attending AA meetings and that his AA sponsor suggested that he enroll in an outpatient alcohol treatment program. (PSI Transcript at 16). I find that he honestly answered "no" when he was asked later in the interview if there were "any other" instances where he had been "hospitalized, counseled or consulted a professional because of his use of alcohol." (PSI Transcript at 73). I accept the individual's assertion that he does not consider attendance at Celebrate Recovery to be alcohol counseling or treatment. Moreover, the individual clearly was not attempting to hide his alcohol problems from the DOE at the 2007 PSI, as he had already discussed his outpatient treatment and had mentioned his AA attendance.

Finally, the individual admits that he failed to indicate on his 1986 and 1987 PSQ's that he used marijuana during his college years. I find that these two instances of falsification have been mitigated. Both of these falsifications took place more than twenty years prior to the hearing. The passage of time without additional indications of dishonesty to some extent lessens the concern raised by these actions. See *Personnel Security Hearing* (Case No. VSO-0251), 27 DOE ¶ 82,813 at 85,878 (1999) (passage of 15 years mitigates failure in 1985 to report teenage marijuana use). In addition, there is considerable evidence in the record indicating that the individual now is honest and forthcoming concerning his personal derogatory information. The DOE-consultant Psychologist, the Staff Clinical Psychologist, and the individual's psychologist all testified that the individual has been honest and open in his interactions with them, and that he has embraced the need for personal honesty in his recovery activities. The individual reported his February 2007 relapse to his employer in a timely fashion, and he readily volunteered the information concerning his college-age use of marijuana to the DOE-consultant Psychologist. Based on this evidence, I find that the individual now has mitigated the security concern raised by his failure to report prior marijuana use on his 1986 and 1987 PSQ's.

V. CONCLUSION

For the reasons set forth above, I find that the individual suffers from alcohol dependence subject to Criteria (h) and (j). Further, I find that this derogatory information under Criteria (h) and (j) has been mitigated by sufficient evidence of rehabilitation and reformation. I also find that the individual has mitigated the

derogatory information under Criterion (f). Accordingly, after considering all of the relevant information, favorable or unfavorable, in a comprehensive and common-sense manner, I conclude that the individual has demonstrated that restoring his access authorization would not endanger the common defense and would be clearly consistent with the national interest. It therefore is my conclusion that the individual's access authorization should be restored. The individual or the DOE may seek review of this Decision by an Appeal Panel under the regulation set forth at 10 C.F.R. § 710.28.

Kent S. Woods
Hearing Officer
Office of Hearings and Appeals

Date: April 16, 2008